METCALF; S. 1362 by Senator CARL CURTIS; S. 1947 by Senator RALPH YARBOROUGH; and S. 2015 by Senator MILTON YOUNG.

The hearings will be held in room 3302 of the New Senate Office Building on Thursday, August 26, 1965. I am making this announcement and wish to take this opportunity to invite the sponsors of the bills to appear and testify in behalf of these measures.

Anyone desiring to testify on any or all of these bills, should notify Mr. Glenn K. Shriver of the committee staff of the Senate Committee on Government Operations.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Orville H. Trotter, of Michigan, to be U.S. marshal, eastern district of Michigan, term of 4 years (reappointment).

Richard P. Stein, of Indiana, to be U.S. attorney, southern district of Indiana, term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the Committee, in writing, on or before Thursday, August 26, 1965, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

HEARINGS ON NOMINATION FOR ASSISTANT SECRETARY OF INTERIOR

Mr. JACKSON. Mr. President, for the information of the Senate, I wish to announce that the Committee on Interior and Insular Affairs will hold a public hearing next Monday, August 23, on the nomination by President Johnson of J. Cordell Moore, of Illinois, to be Assistant Secretary of the Interior for Mineral Resources. The hearing will be at 2 o'clock in the committee hearing room, 3110 New Senate Office Building.

Mr. Moore has served as Administrator of the Oil Import Administration under Secretary Udall in the Department of the Interior for the past 4 years. Prior to this post, he had been Director of Security and Moblization Activities in the Interior Department. He holds the rank of Captain in the Naval Reserve, serving in North Africa during the war.

The development of our mineral resources in the United States is a matter of deep interest and concern to all Members of the Congress and, indeed, to all Americans. I am pleased that the Interior Committee is taking speedy action on the President's nomination to fill this important post, from which John M. Kelly, of New Mexico, recently resigned.

I ask unanimous consent, Mr. President, that a biographical sketch of Mr. Moore prepared at the time of his appointment as head of the Oil Import Administration be printed at this point in the RECORD.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

J. CORDELL MOORE

J. Cordell Moore, of Washington, D.C., was appointed Administrator of the Department of the Interior's Oil Import Administration, on August 18, 1961.

Prior to his appointment, Mr. Moore, a career employee of the Department, had been Director of the Division of Security, Office of the Secretary, and also had been staff Director of Defense Mobilization Activities of the Department.

Mr. Moore succeeded Lawrence J. O'Connor, Jr., who was appointed to the Federal Power Commission in 1961. As Oil Import Administrator, Mr. Moore is responsible for the administration of the mandatory oil import program.

From 1942 until 1946, he served on active duty in the Navy. Since returning to inactive duty he has been active in Reserve activities involving petroleum. He currently holds the rank of captain in the U.S. Naval Reserve.

Born in Winchester, Ill., on July 20, 1912, he attended public schools there. He was graduated from Illinois College in 1936 with a bachelor of arts degree, received his LL.B. degree from Georgetown University and did graduate work in geology at American University. He is a member of the Tennessee and Federal Bar Associations.

Prior to his appointment as Director of the Division of Security in 1952, he served 2 years as Assistant Director of the Department's Division of Property Management.

In the immediate post war period, Mr. Moore was Executive Director, Office of the Foreign Liquidation Commissioner (OFLC) for Latin America with headquarters in Panama. This agency was responsible for the disposal of all surplus U.S. property throughout South and Central America.

His other Government service, from 1936 to 1959, included the Department's National Park Service, the office of Congressman James N. Barnes, of Illinois, the Reconstruction Finance Corporation, the Office of Alien Property, and the Department of Justice.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. HARTKE:

Editorial entitled "Vietnam and Our Highway Slaughter," published in the Berne (Ind.) Witness.

By Mr. FULBRIGHT:

Article entitled "Education: Investment in Human Capital," published in the August 1965, issue of the Monthly Economic Letter of the First National City Bank of New York.

EFFECTIVE FEDERAL FIREARMS LEGISLATION—ADDRESS BY SENATOR TYDINGS AT THE CONVENTION OF THE AMERICAN BAR ASSOCIATION

Mr. DODD. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the House of Delegates of the American Bar Association on August 10 favoring enactment of S. 1592, the bill which I have proposed to amend the Federal Firearms Act.

That resolution adopted by a vote of 184 to 26 was recommended to the bar by their section on criminal law and thus I request their their report be included following the resolution.

I commend the American Bar Association for its forthright action and I am confident that its endorsement will be a significant factor in moving S. 1592 through Congress for enactment into law.

I believe that its deliberative action recognized the constitutional rights of the individual, and the rights guaranteed to business and industry in the normal conduct of their affairs.

It is readily apparent that the bar has carefully weighed the effect which S. 1592 would have in curtailing the indiscriminate misuse of firearms against the minor inconvenience which it would cause the far more numerous law abiding citizens in the purchase of firearms. This resolution and report is in the public interest, and I mean by that, the best interest of the American people.

There being no objection, the resolution ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION SECTION OF CRIMINAL LAW

RECOMMENDATION

Be it resolved, That the American Bar Association support the enactment of S. 1592, 89th Congress, a bill to amend the Federal Firearms Act, or similar Federal legislation.

Be it further resolved, That the section of criminal law be authorized to present the views of the American Bar Association on such legislation to the appropriate committees of Congress.

REPORT

Federal action directed at the control of firearms originated, for modern purposes of criminal control, in the National Firearm Act of June 26, 1934, which is now set out in sections 5801–62 of the Internal Revenue Code of 1954. This act, passed in reaction to the gang wars of the prohibition era and the post-prohibition crime waves, was directed at preventing criminals from obtaining firearms, such as machine guns, cane guns, sawed-off shotguns, silencers and similar weapons, which were particularly suitable for criminal use. The act provides for special licensing taxes on importers, manufacturers, dealers and pawnbrokers dealing in such arms, imposes heavy transfer taxes on the transfer of such arms, requires the registration of such arms upon transfer and the registration of persons possessing such arms. Although written as a revenue measure, it was clearly intended to control the criminal commerce in firearms of a criminal character and provided penalties of up to 5 years' imprisonment.

The Federal Firearms Act of June 30, 1938, 15 U.S.C., sections 901–09, was designed to suppress crime by regulating the traffic in firearms and ammunition, and applied to all firearms. Its legislative history shows particular concern with "roaming racketeers and predatory criminals who know no State lines—a situation beyond the power of control by local authorities to such an extent as to constitute a national menace." *United States* v. *Platt*, 31 F. Supp. 788, 790 (S.D. Tex. 1940); see hearings on H.R. 9066 before House Committee on Ways and Means, 73d Cong., 2d sess. (1934). The act requires a dealer to obtain a Federal dealer's license by filing an application with the Internal

Revenue Service and paying a fee of $1. However, because of the simplicity of this requirement and of the other record-keeping required by the law, this act has been called a "mail-order operation" in itself. Hearings before the Subcommittee To Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, 88th Cong., 1st sess., pt. 14, at 3209 (1963).

The assassination of President John F. Kennedy on November 22, 1963, with a rifle reported to have been purchased by the accused assassin through the mails, brought public and congressional scrutiny to bear on the availability of firearms in the United States through mail orders and other uncontrolled channels of distribution. However, consideration of this problem had preceded that tragic event; concern with juvenile crime in which the use of mail-order weapons was an increasing factor led to hearings by the Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary during early 1963, and legislation directed at the types of weapons and by juvenile criminals was introduced in August 1963 by Chairman Dodd and other members of the subcommittee. The assassination brought the introduction of numerous other bills, the expansion of the Dodd bill, and greater concern about this problem.

S. 1975, 88th Cong., 1st sess., was introduced on August 2, 1963, by Senator Dodd for himself and other members of the juvenile delinquency subcommittee, but this proposal was not enacted. Other legislation proposing varying techniques for controlling the interstate shipment of firearms was introduced in the House of Representatives and in the Senate. In addition, resolutions were introduced in the House of Representatives authorizing an investigation of the sale of firearms in interstate and foreign commerce.

On March 22, 1965, Senator Dodd introduced S. 1592, a bill to amend the Federal Firearms Act. A copy of this bill is attached. Basically, the proposed legislation is designed to accomplish the following:

First. It would prohibit the shipment of firearms in interstate commerce, except between federally licensed manufacturers, dealers, and importers. This provision would have the effect of prohibiting the so-called mail-order traffic in firearms to unlicensed persons. It would leave to each State the responsibility and authority for controlling the sale and disposition of firearms within its borders. There are several important exceptions to this general prohibition against interstate shipment. Sportsmen could continue to take their shotguns or rifles across State lines. Pistols could be carried in interstate commerce but only for a lawful purpose and only in conformity with State laws. Further, firearms could be shipped to a licensee for service and return to the sender. However, a nonlicensee could no longer buy weapons from out-of-State mail-order dealers. Sales would be made by retail dealers and would thus be subject to recordkeeping requirements. These records would then have new meaning; they would not be rendered futile by an unrecorded flow of mail-order guns.

Second. Licensed retail dealers would be required to limit sales of handguns to residents of their State who are 21 years of age or older; they would be prohibited from selling any firearm to a person under the age of 18. In accordance with regulations to be prescribed by the Secretary of the Treasury, licensed dealers would be required to ascertain the identity and place of residence of a purchaser. Further, it would be unlawful for a dealer to sell a firearm to any person when he knows or has reasonable cause to believe that such person is under indictment for or has been convicted of a felony, or is a fugitive from justice. These provisions of the proposed legislation do not address themselves to the question of permits to possess or to use firearms, leaving it to the States and local communities to decide what they need and want in that regard. Thus, for example, while the bill limits the sale of shotguns and rifles to persons who are at least 18 years of age, it does not preclude such persons from using guns if such use is permitted by State or local law.

Third. The bill would raise the annual license fees for a dealer from the present token of $1 to $100. It would also establish a license fee of $250 for a pawnbroker who deals in firearms. Specific standards are established under which an application for a license shall be disapproved after notice and opportunity for a hearing. The purpose of this provision of the proposed legislation is to limit the issuance of licenses to bona fide dealers. Under existing law, anyone other than a felon can, upon the mere allegation that he is a dealer and the payment of a fee of $1, demand and obtain a license. According to the Secretary of the Treasury, some fifty or sixty thousand people have done this, some of them merely to put themselves in a position to obtain personal guns at wholesale. There would be nothing to prevent them from obtaining licenses in order to ship or receive concealable weapons through the mails, or to circumvent State or local requirements.

Fourth. The bill would permit the Secretary of the Treasury to curb the flow into the United States of surplus military weapons and other firearms not suitable for sporting purposes. However, weapons imported for science, research, or military training, or as antiques and curios, could be allowed.

Fifth. The importation and interstate shipment of large caliber weapons, such as bazookas and antitank guns, and other destructive devices would be brought under effective Federal control.

The Subcommittee to Investigate Juvenile Delinquency of the Senate Judiciary Committee has been holding hearings on S. 1592, commencing shortly after the introduction of this legislation. The testimony of witnesses appearing before the subcommittee has generally favored enactment of the legislation, particularly the testimony of witnesses who are concerned with any facet of law enforcement. The principal objections to the legislation seemed to stem from the National Rifle Association and its members. The position of the NRA was commented upon by Attorney General Katzenbach in a statement to the subcommittee on May 19, 1965, excerpts of which appear below:

* * * * *

"This measure is not intended to curtail the ownership of guns among those legally entitled to own them. It is not intended to deprive people of guns used either for sport or for self-protection. It is not intended to force regulation on unwilling States.

"The purpose of this measure is simple: it is merely to help the States protect themselves against the unchecked flood of mail-order weapons to residents whose purposes might not be responsible or even lawful. S. 1592 would provide such assistance to the extent that the States and the people of the States want it.

* * * * *

"There is demonstrable need for regulation of the interstate mail-order sale of guns. This bill is a response to that need. It was carefully drafted; it is receiving detailed attention from this subcommittee.

"But nevertheless, S. 1592 now has itself become a target for the verbal fire of the National Rifle Association and others who represent hunters and sporting shooters. These opponents feel their views most deeply, as is evident from the bitterness and volume of their opposition. It is no secret to any Member of Congress that the NRA sent out a mailing of 700,000 letters to its membership urging a barrage of mail to Senators and Congressmen.

"There is no question that the views of the NRA should be heard and given full weight. There is no question that so many people with an interest in gun legislation should have every opportunity to express it. But those views, also, need to be evaluated, and thus I would like now to turn to analysis of the opposition arguments.

"It has been suggested, for example, by Franklin Orth, executive vice president of the NRA, that S. 1592 gives the Secretary of the Treasury unlimited power to surround all sales of guns by dealers with arbitrary and burdensome regulations and restrictions.

"I fear this is an exaggeration flowing from the heat of opposition. The Secretary's regulations must be reasonable. I should think that the reasonableness of the regulations promulgated by the Secretary of the Treasury under the existing provisions of the Federal Firearms Act would contradict the assumption of burdensome regulations.

"Further, the Administrative Procedure Act assures all interested parties of an opportunity to be heard before the issuance of substantive rules and regulations. The NRA and other gun interests have, in the past, taken full advantage of this opportunity and clearly could do so in the future. And still further, the regulations are subject to review and reversal by the courts and by Congress should they be felt arbitrary and capricious.

"It has also been suggested that S. 1592 requires anyone engaged in the manufacture of ammunition to pay $1,000 for a manufacturer's license. The bill does not do so. It does not cover shotgun ammunition at all, and the license fee for manufacturers of other types of ammunition is $500.

"It is true that anyone selling rifle ammunition, even .22 caliber, would be compelled to have a $100 dealer license. Why shouldn't he? Hele dealing in ammunition for a lethal weapon. The many dealers in ammunition who also sell firearms would not, however, be required to pay an additional ammunition fee. Nor is there anything in the legislation that would, as has been stated, require a club engaged in reloading for its members to obtain a manufacturer's license.

"A further specific objection raised against this measure is that it would forbid a dealer to sell to a nonresident of his State. The objection is stated in a misleading way. The bill does forbid such sales of handguns, but it specifically excepts weapons like rifles and shotgune most commonly used by sportsmen and least commonly used by criminals.

"A similar objection is made on the grounds that the measure would prohibit all mail-order sales of firearms to individuals. While this is an accurate description of the measure with respect to interstate and foreign commerce, the bill would not foreclose now allowable shipments within a State. Any control of such commerce is left to the States.

"One last comment on the specific NRA objections, as expressed in the letter sent to its membership. The letter described this measure as one which concelvably could lead to the elimination of 'the private ownership of all guns.' I am compelled to say that this is not concelvable. I am compelled to say that there is only one word which can serve in reply to such a fear—preposterous.

* * * * *

"More generally, I really cannot understand why the legislation we are talking about should seem a threat at all to sportsmen, hunters, farmers, and others who have a productive or necessary or enjoyable interest in the use of rifles, shotguns or sporting hand guns. Nothing that we propose here could intelligently be construed as impairing the enjoyment they derive from shooting.

"This legislation would, indeed, make some changes in the distribution of firearms. It would, indeed, by outlawing mail-order sales of firearms between States, bring about changes in the commercial firearms world. It would, indeed, challenge interests which have thrived on the present state of unregulated chaos. But such a challenge is tragically overdue.

* * * * *

"Which is more significant, the right not to be slightly inconvenienced in the purchase of a firearm, or the right not to be terrorized, robbed, wounded, or killed?

"As the chief law enforcement officer of the United States, I come before you today to ask you to supply the only conceivable answer to that question. I come, with all the urgency at my command, to ask the subcommittee to report this measure favorably and to ask the Congress to enact it without delay."

Two further objections have been made to the proposed legislation. The first that it is unconstitutional, and the second is that, even if enacted, the criminal will still get guns by the simple process of stealing them or buying them from a "gun bootlegger."

With respect to the constitutional issue, both the Secretary of the Treasury and the Attorney General of the United States have affirmed that the bill was carefully drafted to insure its constitutionality. It is the view of the section of criminal law that there is no merit to an objection to the legislation on constitutional grounds. The vast body of authority under the commerce clause supports Federal control of the distribution of firearms by means of interstate commerce. Further, it seems clear that the right to bear arms protected by the second amendment relates only to the maintenance of the militia; that amendment does not prevent the reasonable regulation of interstate commerce in firearms in the interest of public safety. It should be noted that the legislation does not apply to agencies and departments of Federal, State, and local governments.

With respect to the second objection, viz, that, even if the legislation is enacted, it will not prevent the criminal from obtaining a gun, the statement made by the Secretary of the Treasury to the subcommittee is illuminating. Excerpts follow:

"Mr. Chairman, I am happy to appear before your committee in association with my colleague, the Attorney General, and other representatives of the administration in support of S. 1592 to amend the Federal Firearms Act, because I feel that enactment of this piece of legislation is of great importance to the welfare of this country and its citizens.

"S. 1592 is designed to implement the recommendations which the President set forth with respect to firearms control in his message to the Congress of March 8, 1965, relating to law enforcement and the administration of justice.

"The President, in that message, described crime as 'a malignant enemy in America's midst' of such extent and seriousness that the problem is now one 'of great national concern.' The President also stated, and I quote from his message, 'The time has come now, to check that growth, to contain its spread, and to reduce its toll of lives and property.'

"As an integral part of the war against the spread of lawlessness, the President urged the enactment of more effective firearms control legislation, and cited as a significant factor in the rise of violent crime in the United States 'the ease with which any person can acquire firearms.'

"The President recognized the necessity for State and local action, as well as Federal action, in this area and he urged 'the Governors of our States and mayors and other local public officials to review their existing legislation in this critical field with a view to keeping lethal weapons out of the wrong hands.' However, the President also clearly recognized in his message that effective State and local regulation of firearms is not feasible unless we strengthen at the Federal level controls over the importation of firearms and over the interstate shipment of firearms. The President advised that he was proposing draft legislation to accomplish these aims, and stated, and I quote, 'I recommend this legislation to the Congress as a sensible use of Federal authority to assist local authorities in coping with an undeniable menace to law and order and to the lives of innocent people.'

"Anyone who reads the papers today or hears the news on radio and television cannot help but be appalled at the extent of crime and lawlessness in this country and at the extent of the loss of lives through the use of weapons in the hands not only of criminals but also juveniles, the mentally sick and other irresponsible people. Every day the lives of decent American citizens, our greatest national asset, are being snuffed out through the misuse and abuse of firearms by persons who should not have access to them.

* * * * *

"What the bill does is to institute Federal controls in areas where the Federal Government can and should operate, and where the State governments cannot, the areas of interstate and foreign commerce. Under our Federal constitutional system, the responsibility for maintaining public health and safety is left to the State governments under their police powers. Basically, it is the province of the State governments to determine the conditions under which their citizens may acquire and use firearms. I certainly hope that in those States where there is not now adequate regulation of the acquisition of firearms, steps will soon be taken to institute controls complementing the steps taken in this bill in order to deal effectively with this serious menace.

"Since a bureau of my Department is responsible for the administration of the Firearms Act, I am particularly anxious that the changes proposed in the bill with respect to the issuance of licenses to manufacture, import and deal in firearms be adopted. Under existing law, anyone other than a felon can, upon the mere allegation that he is a dealer and payment of a fee of $1, demand and obtain a license. Some 50,000 or 60,000 people have done this, some of them merely to put themselves in a position to obtain personal guns at wholesale. The situation is wide open for the obtaining of licenses by irresponsible elements, thus facilitating the acquisition of these weapons by criminals and other undesirables. The bill before you, by increasing licence fees and imposing standards for obtaining licenses, will go a long way toward rectifying this situation.

"One misconception about this bill which has been widely publicized is that it will make it possible for the Federal Government to institute such regulations and restrictions as will create great difficulties for law-abiding citizens in acquiring, owning, or using firearms for sporting purposes. This is absolutely not so. Sportsmen will continue to be able to obtain rifles and shotguns from licensed dealers and manufacturers subject only to the requirements of their respective State laws. Indeed, they can travel to another State and purchase a rifle or shotgun from a licensed dealer there and bring it home with them without interference. Only two minor inconveniences may occur for the sportsmen of this country. They will not be able to travel to another State and purchase a pistol or concealable weapon, and they will not be able to obtain a direct shipment from another State of any type of firearm. On this latter point, the inconvenience is more apparent than real because the large mail-order houses have outlets in most of the States and the bill will permit mail-order shipments to individual citizens from these outlets.

"These minor inconveniences have been found to be necessary in order to make it possible for the States to regulate effectively the acquisition and possession of firearms. Obviously, State authorities cannot control the acquisition and possession of firearms if they have no way of knowing or ascertaining what firearms are coming into their States through the mails or, in the case of concealable weapons, by personally being carried across State lines.

* * * * *

"Today, the people of the United States are living under the most ideal conditions which have ever existed for any peoples anywhere on earth. Yet much of this is threatened by the spreading cancer of crime and juvenile delinquency. It is absolutely essential that steps such as those proposed in this bill be taken to bring under control one of the main elements in the spread of this cancer, the indiscriminate acquisition of weapons of destruction. In concluding my statement, may I say that the Department's experience with the existing Federal Firearms Act has resulted in a feeling of frustration since the controls provided by it are so obviously inadequate in the ways that I have indicated. In drafting S. 1592 we have had in mind these inadequacies and now have, we believe, a bill, which, when enacted, will provide effective controls without jeopardizing or interfering with the freedom of law-abiding citizens to own firearms for legitimate purposes. I strongly support the enactment of S. 1592."

For a number of years, the section of criminal law has considered that the loose and ineffective controls on the sale of firearms, particularly handguns, has been a contributing factor to the increasing crime rate. At the midyear meeting of the American Bar Association in February 1964, the section recommended to the house of delegates that action should be taken by the association "to draft a uniform State firearms statute and appropriate Federal legislation." During the annual meeting in August 1964, the section presented a program on the subject, "The What, When, and Why of Gun Legislation." Distinguished speakers, including a law enforcement officer, a judge, a private citizen, and representatives of the National Rifle Association explored the subject in depth and detail. Although no formal action of the section followed this panel program, it was clear that the sentiment of the large majority of the members attending the session favored more effective firearms controls.

In summary, in determining whether the American Bar Association should support the enactment of S. 1592, or similar Federal legislation, the following specific questions and answers should be considered:

First. Does the relatively free interstate traffic in firearms contribute materially to the increasing crime rate in the United States?

Answer. The available evidence indicates clearly that a considerable number of crimes are committed by persons who have been able to acquire firearms easily, particularly handguns.

Second. Is it within the constitutional power of the Federal Government to establish controls on the interstate movement of firearms?

Answer. No lengthy legal brief is necessary to show that the Federal Government under the commerce clause is empowered to establish reasonable controls upon the interstate movement of firearms.

Third. If the States and local governments enacted stringent controls on the purchase, possession, and use of firearms, would it be

necessary or desirable for the Federal Government to legislate in this area?

Answer. Although stringent State and local control of firearms would assist materially in reducing the possession and use of firearms for unlawful purposes, State and local controls cannot be effective unless the Federal Government prevents the relatively free and unimpeded flow of firearms into the several States through the channels of interstate commerce.

Fourth. Are the controls contained in S. 1592 reasonable?

Answer. Few persons will interpose reasonable objections to the purpose or to the major provisions of S. 1592. Reasonable men might differ as to the necessity for certain of the specific provisions. For example, it can be argued that the provisions which preclude a licensed retail dealer from selling rifles and shotguns to persons under the age of 18, or from selling handguns to persons under the age of 21, are an unwarranted usurpation of the power of the States and local governments to decide who may possess and use firearms. However, almost everyone would agree that these restrictions are reasonable if firearms are to be kept out of the hands of irresponsible juveniles. Further, it is clear that the control of such sales, even though local in nature, can best be established by Federal insistence, through licensing procedures, that dealers adhere to fixed standards in all of the States. Otherwise, it would be difficult to prevent a juvenile from purchasing a firearm in a State where the sale is permitted, and carrying it to a State where such a sale is prohibited.

The council of the section of criminal law is of the opinion that S. 1592 represents a reasonable and desirable step forward in law enforcement. Although this legislation will cause minor inconvenience to the law-abiding citizen who desires to buy a gun, it will not prevent him from acquiring one. This minor inconvenience is the price that must be paid if the Federal Government is to do its part to assist the States in maintaining effective control over firearms.

For the above reasons, the section of criminal law, acting through its council in accordance with section 6, article VI, of its bylaws, recommends that the American Bar Association support the enactment of S. 1592, or similar Federal legislation.

KENNETH J. HODSON,
Chairman.

RESOLUTION ADOPTED BY THE AMERICAN BAR ASSOCIATION FAVORING ENACTMENT OF THE FEDERAL FIREARMS ACT

Mr. DODD. Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of Senator JOSEPH D. TYDINGS before the House of Delegates of the American Bar Association, meeting in convention in Miami, Fla., on August 10, 1965, concerning the need for enactment of S. 1592, a bill which I introduced and he cosponsored to amend the Federal Firearms Act. This measure was introduced at the request of the administration.

Senator TYDINGS' interest in and concern for the problem of firearms misuse in this land is clearly evidenced in his remarks before the American Bar Association. I am personally familiar with his concern for the youth of America because of his efforts as a member of the Subcommittee to Investigate Juvenile Delinquency.

I know that the sincerity of his position was reflected in the overwhelming support given the bill (S. 1592) by the bar, and I commend him in this regard.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EFFECTIVE FEDERAL FIREARMS LEGISLATION—A MODERATE RESPONSE TO A CRITICAL PROBLEM

I understand that the house of delegates will this week consider a resolution in support of Senate bill 1592, which would amend and greatly strengthen the Federal Firearms Act. I am, together with Senator THOMAS J. DODD, of Connecticut, and others, a sponsor of this legislation. I am also a member of the subcommittee that has been holding hearings on the bill. I, therefore, welcome this opportunity to explain the reasons I support it.

This bill has been the target of heavy fire from one of the most intense pressure campaigns I have ever seen. I have received thousands of letters, most of them based, I am sorry to say, on misleading propaganda and misinformation.

If I thought the heavy mail I am receiving represented the informed opinion of my constituents, it would give me great pause. But, it is clear that the overwhelming majority of writers do not understand what the bill would really do. In the case of one group of several hundred letters, obviously inspired by the National Rifle Association, the writers uniformly misspelled my name. Now, my wife says that is a good way to cut a junior Senator down to size. But, I can tell you it is not the way to impress him that the writer is well informed.

I wish to make clear at the outset that this bill would not interfere with the legitimate use of firearms. I, myself, am a hunter. There is nothing I enjoy more then a morning in the duckblinds with Major, our Chesapeake Bay retriever. I am also an enthusiastic, if not accurate, skeet shooter.

If I thought this bill really interfered with bona fide hunters and sportsmen, I would oppose it with all my force.

Rather, I am persuaded after careful study and extensive hearings that the bill as drawn, with only a few minor amendments, is a reasonable and moderate response to a serious national problem.

We read daily of shootings, murders and armed felonies. We all are aware that crime has become a problem of crisis proportions.

I am convinced from the facts that the uncontrolled distribution of guns is contributing to our crime problem.

The particular evil which is the target of the firearms bill is uncontrolled interstate mail-order traffic in guns and destructive devices. This traffic is placing lethal weapons in the hands of minors without the knowledge or consent of their parents. It is allowing criminals and the mentally unstable to obtain weapons they could not get legally on the local market. It is stocking the private arsenals of secretive extremist groups—the Ku Klux Klan, the Black Muslims, and the so-called Minutemen. Above all, it is undermining the firearms laws and regulations of our States and cities.

The bulk of the mail-order trade, and especially of that part which this legislation is intended to choke off, consists of cheap foreign weapons—mostly military castoffs—which are being dumped on our shores by the millions. Most of these imported guns are of inferior quality, often to the point of endangering their owners. Most are unsuited for hunting, sport shooting, or any other legitimate activity. Even the National Rifle Association professes itself willing to see these imports curbed.

Law enforcement agencies can cite case after case in which mail-order weapons have been used in the perpetration of crime, incident after tragic incident of accidental injury or death caused by mail-order guns in the hands of minors.

On the west coast recently, two ex-convicts robbed banks in four cities and finally shot a police officer in Los Angeles. They obtained the guns they used by mail order under a false name. The dealer's principal place of business is Los Angeles, but the guns were shipped from Nevada in order to circumvent California law.

Last winter a boy from Baltimore shot and killed his father, mother, and sister with a foreign revolver purchased from a Los Angeles firm. As he was arrested another weapon was on its way.

Many of you will remember last year's attempt by anti-Castro Cubans to shell the United Nations Building in New York City. The weapon was a German World War II mortar which had been imported into the United States by a New Jersey firm.

Aggregate figures demonstrate that these are not isolated cases. These are the facts:

Fact 1: Law enforcement agencies estimate that approximately half of all firearms used in the commission of crime are obtained through the mail-order trade.

Fact 2: Every year thousands of Americans are cut down by gunfire. Five thousand and ninety were killed by guns in 1964 alone. A great many of these deaths need never have happened if the guns had not been easily obtainable and in the hands of the wrong people.

Fact 3: Guns are simply deadlier than other weapons. In 1963, 1 out of 20 assaults with a weapon in the United States ended in death. Where guns were used, however, one out of five assaults ended in death.

Fact 4: Ratios of homicide by firearms to all homicides drop sharply in areas where strict firearms controls are in effect. In Dallas and Phoenix, for example, firearms regulations are virtually nonexistent. In 1963, 72 percent of homicides committed in Dallas were committed with guns, and 66 percent of homicides committed in Phoenix were committed with guns. By contrast, Philadelphia and New York City have strong firearms controls. In Philadelphia 36 percent, and in New York 25 percent, of all 1963 homicides were committed with guns. Since assaults with guns result in death far more often than assaults with other weapons, it is reasonable to conclude that the New York and Philadelphia gun laws have saved many lives.

Fact 5: Of 225 law enforcement officers who have been killed by criminals in the last 4 years, 95 percent were shot to death. Seventy-three percent of the killers had been convicted of crimes before acquiring the murder weapon.

I agree with the critics who say that crimes are committed by evil or misguided people, and not by guns. Of course, we cannot make people law abiding by restricting their access to guns. But we can make their antisocial actions less serious.

We must remember that we are not only concerned with the deliberate, scheming, professional criminal. I concede that we probably cannot keep guns from his hands. But we seek also to halt juvenile gang warfare, emotional crime sprees, and spur-of-the-moment crimes of passion.

It is for such people that the mail-order trade is a particularly attractive source of supply. Four thousand Chicagoans received weapons from just two mail-order dealers over a 3-year period. One thousand of them had criminal records.

This is not really surprising. The mail-order gun trade, and particularly the part of the trade against which the firearms bill is directed, is calculated to appeal to the juvenile and the criminal. Advertising, which appears primarily in mail-order catalogs and cheap pulp magazines, is couched in lurid language geared to lower impulses and bound to incite the impressionable.

The primary advantage of mail-order purchase from the point of view of juveniles and criminals is the anonymity it affords them. The prospective purchaser simply clips an advertisement and forwards it together with his deposit. He gets back an order blank on which he must certify that he is over 21 and has never been convicted of a crime of violence. The form is returned to the dealer, who ships the gun via common or contract carrier.

The mail-order trade circumvents the law even within some States. California, for example, prohibits the mail-order sale of concealable firearms within the State. But certain mail-order firms simply send an ordered firearm to an out-of-State mail drop, where it is rewrapped and forwarded to the California purchaser. The State is powerless against this blatant evasion of its public policy.

The firearms bill is, in my judgment, an essential but moderate response to the problems I have outlined. Let me describe the provisions of S. 1592.

S. 1592, if enacted, would prohibit interstate traffic in firearms except between licensed dealers, manufacturers and importers. This provision would prevent the interstate retail purchase of guns by mail. But it would not prevent any law-abiding adult from walking into a local store and buying or ordering a gun. A man living in a remote area could still order his gun by mail or phone from any dealer in his State. Nor would the bill prohibit any persons from taking his gun across States lines for a lawful purpose.

Further, S. 1592 would prohibit sale of pistols and revolvers to persons under 21 and of rifles and shotguns to persons under 18. But it would not prohibit sale of guns to adults for youngsters. They would remain free to use, though not to buy, such weapons. Nothing in the bill would prevent a boy from learning to hunt and shoot. The purpose is to insure that a youth use these dangerous instruments only with the consent, and hopefully, the supervision, of his parent or guardian.

S. 1592 would also prohibit sale of pistols and revolvers to persons who do not reside in the State where the dealer does his business. In other words, a person could not cross State lines to buy a pistol. But an out-of-Stater could go into any store and buy a sporting rifle or shotgun.

S. 1592 would restrict the importation of firearms into the United States. But it would not prohibit importation of sporting and hunting weapons or of antiques.

S. 1592 would also establish a more effective system of Federal licensing. It would severely restrict sale and transport of sawed-off shotguns and rifles, which are not used, I need not tell you, for hunting. And it would impose controls on traffic in destructive devices and ammunition such a grenades, mines, machineguns, and bazookas.

But S. 1592 would not require Federal registration of firearms. And it would not permit confiscation of firearms from any law-abiding citizen.

The administration has proposed several technical amendments to the firearms bill which meet several legitimate criticisms made during the course of the hearings. These are amendments designed expressly to protect antique gun collectors, to exclude altogether from the provisions of the bill all ammunition except for destructive devices, and to lower certain license fees. These amendments are likely to be accepted by our subcommittee.

Only the Federal Government, as all of you know, has the power to regulate interstate commerce. If the States are to carry out their police power responsibilities for public health and safety, the Federal Government must exercise its power. I believe it has a duty to do so.

The gun lobby and their friends attack the firearms bill on the ground that it violates the second amendment of the Constitution. As I understand the second amendment, their argument lacks merit.

The second amendment provides: "A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

The history of the second amendment, as well as its language, indicate that it was intended to protect the right of the States to organize and maintain a militia. The provision has been so read by courts and commentators alike.

Misleading quotation of the second half of the amendment by gun-lobby publicists has injected a red herring into the debate. Every lawyer knows that firearms legislation in nearly every State, as well as the National Firearms Act, and the existing Federal Firearms Act, have been repeatedly upheld by the courts against constitutional challenge.

In addition to the constitutional question, the gun lobby has attempted to create an emotional concern around the erroneous contention that the bill would disarm the law-abiding citizen. As a study of the bill will reveal, it does nothing of the sort.

Ladies and gentlemen, the proposed State Firearms Control Assistance Act of 1965 is a most significant piece of legislation. I know that the house of delegates of the American Bar Association will study it carefully and will make known to the Congress and to the American public its recommendations for specific changes.

I hope that this association will throw the weight of its very considerable influence behind this bill. We have a responsibility to the victims of crime and violence, a responsibility which in my judgment far outweighs any petty inconveniences the firearms bill would cause to sportsmen, collectors, and other legitimate gun users.

SELLING WHEAT TO THE SOVIETS FOR GOLD

Mr. SYMINGTON. Mr. President, last week the Canadian Government announced the sale of 4.6 million tons of wheat and 400,000 tons of wheat equivalent in flour to the Soviet Union. It is estimated these transactions involved $450 million.

It is little wonder that Prime Minister Pearson is reported as describing this latest wheat sale as "exciting" and "spectacular." Not only will it have a stimulating effect on that nation's economy but also it will lighten the deficit in Canada's international balance of payments.

Secondary benefits may flow to the United States as a result of this Canadian sale.

As an editorial in the New York Times stated:

If the Russians pay for a good portion of their purchases by selling gold in London, the (U.S.) Treasury will not have to supply as much gold from its own dwindling stock to meet the demands of private and official sellers of dollars.

A second advantage which would accrue to both countries concerns the St. Lawrence Seaway. American and Canadian officials estimate that the 187 million bushels wheat and flour deal with the Soviet Union will add between 4.5 and 5 million short tons of business to the locks and channels of the St. Lawrence Seaway during the current season and a portion of the 1966 season. This traffic will add $2 million to Seaway revenues that have been insufficient to pay off the capital outlay of the waterway since its completion in 1959.

We can take some solace in these indirect benefits to us and heavy direct benefits to Canada. But, looking to the future and the potential wheat needs of Russia, it should be made clear to the American public why the American wheat farmer was foreclosed from competing for this latest sale.

The average U.S. yearly export of wheat for dollars from 1957 to 1961 was 172 million bushels. In 1962, 151 million bushels were exported for dollars. In 1963, the year we sold to Russia and France, the figure rose to 352 million bushels.

One hundred and sixty-five million bushels were exported for dollars in 1964. Thus, with the exception of 1963, the Canadian sale of 187,000 bushels last week exceeds our total yearly export of wheat for dollars in every year from 1957 through 1964.

Wheat sales to the Soviet bloc have been declared in the national interest. Studies indicate that liberalization of East-West trade of nonstrategic materials serves a useful purpose. I refer to the report of the President's Special Committee on U.S. Trade Relations with Eastern European countries and the Soviet Union; also to the statement issued by the Committee for Economic Development.

In this connection, an editorial appearing in the Washington Post of May 20, which compares these two opinions, is of interest; and I ask that it be inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRADE WITHOUT ILLUSION

With the simultaneous appearance of two thoughtful policy statements, this is a time for introspection on East-West trade. The Committee for Economic Development (CED), a group of prominent American business executives, joined with its counterparts, the European Committee for Economic and Social Progress and the Japanese Keizai Doyukai, to issue a statement on "East-West Trade: A Policy for the West." And the White House released the report of the President's Special Committee on U.S. Trade Relations and East European Countries and the Soviet Union. Both statements reflect the views of private business interests.

The common trust of both statements is that trade in nonstrategic goods between Communists and non-Communist countries should be expanded. Both the CED and the President's committees, as distinguished from their European and Japanese counterparts, would bar trade with Communist China and Cuba. But aside from this predictable and very significant difference of opinion, the two sets of recommendations are essentially alike.

Where the two reports differ is in setting forth the motives for increasing trade with the Communist bloc. According to the Pres-

ident's committee: "Political, not commercial or economic, considerations should determine the formulation and execution of our trade policies." The CED and its counterperts state that: "In trade with Eastern countries we bope to realize the same kinds of economic benefits we expect in trade among ourseives." Juxtaposing tbese two statements admittedly exaggerates the differences between the two reports. Yet it serves the useful purpose of contrasting two views of East-West trade.

Those who uphold the political view seek goals which, in our opinion, are unrealistic. Some of its proponents see international trade as a means of winning Communist countries over to the liberal principles of free-enterprise capitalism. Such bopes are hardly justified. Some of the European Communist countries can conceivably gain a greater measure of independence from Soviet Russia by increasing their trade with the West. Yet it is difficult to envisage international trade as a prime mover in the process.

A second politically motivated group would join the AFL–CIO representative on the President's Committee in empbasizing the necessity for "political quid pro quo concessions." It is all very well to argue that the Communists should give way on Berlin or some other issue in return for the expansion of trade. But if increased trade were so important to the Communists as this view assumes, concessions would have been made long ago.

The question of East-West trade should be approached without illusions. Trade with tbe Communists will result in neither political concessions nor ideological conversions. It will confer economic benefits upon the West, hopefully greater than those realized by the East. That, in the final analysis, is the soundest reason for expanding it.

Mr. SYMINGTON. Mr. President, the estimated price per bushel of No. 3 Manitoba sold by Canada to the Soviets is $1.83. This grade compares with U.S. No. 1 Northern Spring, 15 percent protein, which sells at a price of $1.82 a bushel. Both prices are f.o.b. St. Lawrence. Thus U.S. wheat is competitively priced with Canadian wheat.

Nevertheless, because of the requirement that 50 percent of wheat sold to Russia must be carried in vessels under the U.S. flag, we are not competitive in wheat sales for dollars.

That fact is demonstrated by a comparison of freight rates. From St. Lawrence to Odessa, the foreign-flag ship rate per long ton is $10 while the U.S.-flag ship rate is $17.50. From the Gulf to Odessa, the foreign rate is $10.50, but the U.S. rate is $18. This means that the price of U.S. wheat is increased 12 to 15 cents a bushel by the 50–50 requirement.

This 50–50 requirement, as applied to commercial grain sales, is an exception to the general rule that cargo preference acts are inapplicable to strictly commercial sales. It is also a fact that no other U.S. commercial export sales are subject to this limitation. Cargo preference acts actually apply only to cargo generated by the U.S. Government.

This unusual requirement on commercial export sales of grain has been imposed by the Office of Export Control of the U.S. Department of Commerce.

On April 7, Under Secretary of Agriculture Charles S. Murphy, testifying before the Subcommittee on Federal Procurement and Regulation of the Joint Economic Committee hearings concerning discriminatory ocean freight rates and the balance of payments, stated:

It is important to draw a sharp distinction between the requirement for use of U.S. shipping in this case of commercial sales, on the one hand, and the requirement, on the other hand, for use of U.S. shipping in the case of Government-aided sales where the additional shipping costs are paid by the Government. In the former case, the commercial sales, the requirement for use of U.S. shipping is not a statutory one; in the latter case, it is. Also, in the latter case, the Government-aided sales, the requirement for using U.S. shipping does not prevent the export business from occurring because the Government pays the additional costs. In the former case, the commercial sales, the shipping requirement prevents the export business from occurring at all because the importing country turns to alternative sources of supply.

In short, there is no advantage to this country when potential commercial sales of agricultural products for dollars are stifled and impeded by a requirement that half the cargo be carried in U.S.-flag vessels, for as Secretary MURPHY pointed out to the Senate Banking and Currency Committee earlier this year:

The actual effect of this requirement is—not to provide additional business for the U.S. Merchant Marine—but to prevent U.S. longshoremen, U.S. exporters and U.S. farmers from having employment and earnings that would otherwise accrue.

If then it is in the national interest to export wheat for dollars, if further the 50–50 requirement impedes possible sales at the same time affords no benefit to the troubled U.S. Merchant Marine, I again recommend that the Secretary of Commerce remove this barrier to export sales of farm commodities for dollars. Such action on his part would not only aid the farmers of America, but also would be a major contributing factor to improvement in one of our most serious problems—the continuing unfavorable balance of payments.

SIXTH ANNIVERSARY OF STATEHOOD FOR HAWAII

Mr FONG. Mr. President. This Saturday, August 21, marks the 6th anniversary of Hawaii's admission into the Union as a State. On that day in 1959, President Eisenhower proclaimed Hawaii the 50th State, the culmination of a long and ardous campaign by Hawaii's people and their friends for political equality.

In elevating the Hawaiian Islands to a State, the 86th Congress and the President reaffirmed our Nation's dedication to the principles of self-determination and self-government.

It demonstrated to the people of the Pacific and the world—that regardless of race, color, or creed—citizens of the United States, when they inhabit an incorporated territory which has political and economic maturity, will be accorded all the privileges of citizenship.

The people of Hawaii cherish deeply these privileges of citizenship all the more because they were so hard-won after so many years. Hawaii's people value highly first-class citizenship—all the more because they were relegated to second-class citizenship for more than half a century.

While Hawaii enjoys the many blessings of statehood today, its island neighbors in the Western Pacific, the 88,000 inhabitants of the Pacific Trust Territory, remain in a state of uncertainty as to their future political status.

Under an agreement with the United Nations Trusteeship Council, the United States has assumed the responsibility of promoting self-government or independence for the trust territory, more commonly known as Micronesia.

Nearly 2 decades have passed since the trust territory was entrusted to our Nation's care. For various compelling reasons which I discussed in this Chamber yesterday, our country must come to grips with the question of our future policy toward these far-flung islands. For we are, in effect, acting as a colonial power without a colonial policy in our relationship with the trust territory at present.

The time has come to start exploring this question in depth. That was my intention in introducing yesterday a resolution proposing that the Trust Territory of the Pacific Islands be made a part of the State of Hawaii.

On the eve of the sixth anniversary of Hawaiian statehood, I wish to call attention to two timely editorials which appeared in the past few days in the Honolulu Star-Bulletin, one titled "Faster Than Statehood," the other "First Step—Citizenship."

I ask unanimous consent to have the editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, Aug. 16, 1965]

FIRST STEP—CITIZENSHIP

The United States is a colonial power without a colonial policy.

This situation has developed in the main because we have been smitten with the idea that our wars were not fought for territorial gain.

True enought, but we have taken over the Trust Islands of the Pacific and Okinawa from Japan since World War II, and we have held ownership of Guam, American Samoa, Wake, Johnston, and other islands for far longer periods.

The current interest in a Pacific State is making us think about a policy for the Pacific, and getting our wards to think about it, too.

We can be encouraged that even if they don't seem to be jumping at the suggestion that they join the State of Hawaii, they at least show no disposition to leave the U.S. fold.

All the alternates suggested so far by the island people themselves have been proposals for a future as part of the United States with U.S. citizenship high on the priority list.

The grant of such citizenship to the Pacific peoples seems like one of the easiest first steps.

It hardly needs to await resolution of the other problems, though it will amount to a commitment to find solutions under the American flag, thus making official the common denominator in all present discussions.